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LADAS & PARRY
Suite 2100
5670 Wilshire Boulevard
Los Angeles, CA 90036-5679

EXAMINER

GRAYSAY, TAMARA L

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/887,510

Applicant(s)

WALKER ET AL.

Examiner

Tamara L. Graysay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Oath/Declaration

2. The oath or declaration is defective. A supplemental oath or declaration in compliance with 37 CFR 1.67(a), or a supplemental application data sheet in compliance with 37 CFR 1.76(c), identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02. The oath or declaration is defective because:

Although it identifies the foreign application, it does not state that the foreign application had been filed by the inventor(s) or by the assignee, or the legal representative or agent, of the inventor, or on behalf of the inventor, pursuant to MPEP § 201.13, II, C.

Drawings

3. The drawings are objected to because of the following:
 - a. They fail to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: “34” (P.6, L.7).
 - b. They fail to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 48, 51, 59, 65 and 66 (Fig.3).
 - c. They fail to comply with 37 CFR 1.84(p)(4) because reference character “59” has been used to designate both “service provider interaction” (Fig.3, no in specification) and “initial stage of task execution” status (Fig.5, and p.10, line 17).

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:
 - a. Page 5, line 20, data is misspelled.
 - b. Page 6, line 29, "use" should be user for consistency with that depicted in Fig. 3.
 - c. Page 8, line 22, interface "63" should be 62 as depicted at the bottom of Fig. 3.
 - d. Page 9, line 12, "45" should be 25 for consistency with the remainder of the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 10-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory subject matter.

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The claimed invention recites a “service” not a process comprising steps or activities to be performed.

One reasonable interpretation of the claims is that it recites only software or a computer program *per se*. A computer program *per se* does not define any structural and functional interrelationships that permit the computer program’s functionality to be realized. A computer program may be statutory if it were embodied as a computer-readable media encoded with a computer program that defines a structural and functional interrelationship between the program and the computer, thereby permitting computer functionality to be realized (or as part of a statutory manufacture or machine). New matter should not be added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-2 are rejected under 35 U.S.C. 102(a) as being anticipated by Web Archive V2.

NOTE: Generally, claims 1-2 are broad in scope. The method is not claimed in terms of steps that are performed, but rather a single step of operating an enterprise an enterprise (business) which provides (not claimed as a step of providing) a data-processing resource. Therefore, the claim has been interpreted to include a single step of operating an enterprise. As such, the dependent claims that modify the resource are narrowing only in terms of structure that is not manipulated by the method in any sense other than possibly modifying a step of providing.

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Thus, the dependent claims that are only limiting as to the resource have been considered insignificant limitations to the method step of operating an enterprise.

NOTE: The step of operating in claim 1, is also broad insofar as the element (data-processing resources) that is provided is not used in performing a process, but instead is merely provided, presented, given, available, etc. without further manipulation of the structure or reference to the claimed intended use (for executing and managing) of the element.

Regarding claim 1, Web Archive V2 discloses method of operating an enterprise in which the enterprise, such as Matador Design, provides a data-processing resource (WebEvent 3.05) for executing and managing business and personal life events (schedules) in an integrated manner (from any computer that runs a Web browser).

Regarding claim 2, Web Archive V2 discloses user authentication to control user access. It is inherent that the control is related to information that is contained in the WebEvent 3.05 resource, including data, i.e., schedule, style, color, formats, event type, etc.

7. Claims 8-9 and 22-23 are rejected under 35 U.S.C. 102(a) as being anticipated by Web Archive V2 and Web Archive W3.

Regarding claims 8-9, Web Archive V2 discloses method of operating an enterprise in which the enterprise, such as Matador Design, provides a data-processing resource (WebEvent 3.05) for executing and managing business and personal life events (schedules) in an integrated manner (from any computer that runs a Web browser).

Further, the use of to do tasks would have been inherent in the WebEvent 3.05 software

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as evidenced by Web Archive W3. Web Archive W3 teaches WebEvent software having a to do event type tasks that are actionable. The to do tasks of the WebEvent service are tracked (as recited in claim 9) insofar as they are in a particular status of done or not done.

Regarding claims 22-23, Web Archive V2 discloses method of operating an enterprise in which the enterprise, such as Matador Design, provides a data-processing resource (WebEvent 3.05) for executing and managing business and personal life events (schedules) in an integrated manner (from any computer that runs a Web browser).

Further, the use of to do tasks would have been inherent in the WebEvent 3.05 software as evidenced by Web Archive W3. Web Archive W3 teaches WebEvent software having a to do event type tasks that are actionable. The to do tasks of the WebEvent service are tracked (as recited in claim 23) insofar as they are in a particular status of done or not done.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-4 and 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Web Archive V2.

Regarding claims 3-4 and 10, Web Archive V2 discloses a meta-calendar that enables more than one calendar to be combined. The claim does not recite a method step

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or modify the step of operating an enterprise. Thus, the method claim has been interpreted as the data-processing resource merely being capable of performing the recited functionality rather than actually performing any particular step(s). As such, the Web Archive V2 reference is capable of performing the functionality insofar as the meta-calendar system enables more than one life event (for example, business and personal schedules) to be combined. The functionality of effecting required updates is met by the WebEvent 3.05 resource that allows calendars to be combined.

9. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Web Archive V2 as applied to claim 1, and further in view of Small Office Home Office.

Regarding claims 5-6, Small Office Home Office teaches combining a schedule or calendar (mentioned at pages 1 and 6) with a support application (mentioned at page 6) in order to enable online services selected by the user/employee. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Web Archive V2 to include a support application that enables a user to access online services selected by the user/employee. The claimed relationship of the service to personal life events and to brokerage (i.e., intended use) does not define over the above combination.

Regarding claim 7, the use of monitoring devices by enterprises is well known in the field of computer services. For example, an enterprise would monitor service provided to employees in order to determine quality of the service and to determine whether or not the employees are using the service. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

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Web Archive V2 to include a service that is monitored by the enterprise so that the enterprise can evaluate the service and whether or not the employees are using the service.

10. Claims 12-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Web Archive V2 as applied to claim 10, and further in view of Small Office Home Office.

Regarding claims 12-13, Small Office Home Office teaches combining a schedule or calendar (mentioned at pages 1 and 6) with a support application (mentioned at page 6) in order to enable online services selected by the user/employee. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Web Archive V2 to include a support application that enables a user to access online services selected by the user/employee. The claimed relationship of the service to personal life events and to brokerage (i.e., intended use) does not define over the above combination.

Regarding claim 14, the use of monitoring devices by enterprises is well known in the field of computer services. For example, an enterprise would monitor service provided to employees in order to determine quality of the service and to determine whether or not the employees are using the service. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Web Archive V2 to include a service that is monitored by the enterprise so that the enterprise can evaluate the service and whether or not the employees are using the service.

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11. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Web Archive V2 as applied to claim 10, and further in view of Web Archive W3.

Regarding claims 15-16, the use of to do tasks would have been inherent in the WebEvent 3.05 software as evidenced by Web Archive W3. Web Archive W3 teaches WebEvent software having a to do event type tasks that are actionable. The to do tasks of the WebEvent service are tracked (as recited in claim 16) insofar as they are in a particular status of done or not done.

12. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Web Archive V2 in view of Small Office Home Office.

Web Archive V2 discloses method of operating an enterprise in which the enterprise, such as Matador Design, provides a data-processing resource (WebEvent 3.05) for executing and managing business and personal life events (schedules) in an integrated manner (from any computer that runs a Web browser).

Small Office Home Office teaches combining a schedule or calendar (mentioned at pages 1 and 6) with a support application (mentioned at page 6) in order to enable online services selected by the user/employee.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Web Archive V2 to include a support application that enables a user to access online services selected by the user/employee. The claimed relationship of the service to personal life events and to brokerage (i.e., intended use) does not define over the above combination.

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13. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Web Archive V2 and Small Office Small Home, as applied to claim 17, and further in view of Web Archive W3.

Regarding claims 20-21, the use of to do tasks would have been inherent in the WebEvent 3.05 software as evidenced by Web Archive W3. Web Archive W3 teaches WebEvent software having a to do event type tasks that are actionable. The to do tasks of the WebEvent service are tracked (as recited in claim 16) insofar as they are in a particular status of done or not done.

14. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Web Archive V2 and Web Archive W3, as applied to claim 22, and further in view of Small Office Home Office.

Regarding claim 24, Small Office Home Office teaches combining a schedule or calendar (mentioned at pages 1 and 6) with a support application (mentioned at page 6) in order to enable online services selected by the user/employee.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Web Archive V2 and Web Archive W3, to include a support application that enables a user to access online services selected by the user/employee. The claimed relationship of the service to personal life events and to brokerage (i.e., intended use) does not define over the above combination.

Regarding claim 25, the use of monitoring devices by enterprises is well known in the field of computer services. For example, an enterprise would monitor service

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provided to employees in order to determine quality of the service and to determine whether or not the employees are using the service. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Web Archive V2 and Web Archive W3 to include a service that is monitored by the enterprise so that the enterprise can evaluate the service and whether or not the employees are using the service.


Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tamara L. Graysay
Examiner
Art Unit 3623

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